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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE CHANDRASHEKARAIHAH

WRIT PETITION Nos.25568 & 569/1994

BETWEEN:

1. Smt. Hanumakka,
w/o Puttaiah,
aged about 45 yrs.

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2. Smt. Lakshamma,
D/o Chikkathimmaiah,
w/o Chikkanarasimahaiah,
aged about 30 yrs.

Both are residing at
Shakshihalli village,
Huiladore Post, Sira,
Taluk, Tumkur dist.

...Petitioners

(By Sri M K Bhaskaraiah)

AND:

1. The Tumkur Zilla Panchayat,
Tumkur by its Chief
Executive Officer.

98/17.7.98
The sites bearing Nos. 90 and 91 of Shakshihalli village, Tumkur District were allotted by the Grama Panchayat in favour of the petitioners in the year 1990. Consequent on the allotment the petitioners were put in possession of the said sites under hakkupatra. It is submitted by the learned counsel for the petitioners that after allotment of the sites the petitioners have constructed the building and are residing therein. But the Zilla Panchayat by its order dated 6.8.1994 set aside the allotment for the reasons stated therein. This order is under challenge by the petitioners in these writ petitions.

2. Learned counsel for the petitioners contended that the Zilla Panchayat has not afforded any opportunity of hearing and has not held any enquiry before cancelling the allotment made by the Panchayat. This fact is not disputed by the respondents. Therefore, in my opinion, the order passed by the Zilla Panchayat as per Annexure-B is liable to be quashed as it has been passed in violation of the principles of natural justice.

3. In the result, I pass the following order:

Writ petitions are allowed. The order of the Zilla Panchayat dated 6.8.1994 produced as Annexure-B is quashed. The matter is remitted to the Zilla Panchayat to dispose of the matter afresh after due notice to the petitioners and after holding enquiry.

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Since the writ petitions are disposed of,
no order is required to be passed on I.A.I.
Accordingly, I.A.I is disposed of.

Sd/-
JUDGE

G/100798

